

REMARKS

Claims 21-40 are pending in this application. Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-40. Applicant respectfully submits that Claims 21-40 do not contain new matter. Applicant further submits that the amendments to the Claims do not contain new matter.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Applicant uses the phrase "at least one of . . . and . . ." in the claims. In all instances, the phrase "at least one of . . . and . . ." means "only one item from the list, or any combination of items in the list". Applicant respectfully submits that the phrase having the form "at least one of A and B", where each of A and B is either a term or a phrase, the phrase "at least one of A and B" means "only A, only B, or A and B". In instances in which three or more terms and/or phrases are present in an "at least one of . . . and . . ." phrase, Applicant

provides the following example definitions: the phrase "at least one of A, B, and C" means "only A, only B, only C, or any combination of A, B, and C"; the phrase "at least one of A, B, C, and D" means "only A, only B, only C, only D, or any combination of A, B, C, and D"; the phrase "at least one of A, B, C, D, and E" means "only A, only B, only C, only D, only E, or any combination of A, B, C, D, and E", and so on.

For example, in independent Claim 21, the phrase "at least one of a diagnosis, a treatment associated with a diagnosis, and a procedure associated with a diagnosis" means "only a diagnosis, only a treatment associated with a diagnosis, only a procedure associated with a diagnosis, or any combination of a diagnosis, a treatment associated with a diagnosis, and a procedure associated with a diagnosis".

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 'FORMAL MATTER' OBJECTIONS TO THE CLAIMS:

The Examiner objected to Claims 1-2 for informalities. As noted above, Applicant has cancelled Claims 1-20, without

prejudice, and Applicant has added new Claims 21-40. Applicant has also provided clarification for the meaning of Applicant's use of the phrase "at least one of . . . and . . ." as provided above. Applicant respectfully submits that Claims 21-40 are in compliance with 35 U.S.C. §112. Withdrawal of the Examiner's objection to the Claims is respectfully requested.

II. THE 35 U.S.C. §102 AND §103 REJECTIONS:

The Examiner asserts that Claims 1-2, 4-11, and 14-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Bishop, et al., U.S. Patent No. 6,090,044 (Bishop). The Examiner also asserts that Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bishop in view of DeBruin-Ashton, U.S. Patent No. 6,014,629 (DeBruin-Ashton). The Examiner also asserts that Claims 12-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bishop in view of Cummings, U.S. Patent No. 6,345,260 (Cummings).

As noted above, Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-40. Applicant submits that Claims 21-40 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 21-40, is patentable over the prior art.

IIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 21-36, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 21-36, is patentable over the prior art.

IIA(1). THE PRESENT INVENTION, AS DEFINED BY INDEPENDENT CLAIM
21, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the present invention, as defined by independent Claim 21.

Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and, therefore, Bishop, DeBruin-Ashton, Cummings, and

any combination of same, do not disclose or suggest all of the specifically recited features of independent Claim 21.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest an apparatus, comprising at least one of an input device for inputting information regarding an individual and a receiver for automatically receiving information regarding an individual, wherein the information regarding an individual contains information regarding at least one of a diagnosis, a treatment associated with a diagnosis, and a procedure associated with a diagnosis, and a processing device, wherein the processing device processes the information regarding an individual and generates an insurance claim, all of which features are specifically recited features of independent Claim 21.

Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the recited input device for inputting information regarding an individual and a receiver for automatically receiving information regarding an individual, wherein the information regarding an individual contains information regarding at least one of a diagnosis, a treatment associated with a diagnosis, and a procedure associated with a diagnosis.

Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the recited processing device which processes the recited information regarding an individual and which generates the recited insurance claim.

Applicant further submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest a transmitter for automatically transmitting the insurance claim to a computer or a communication device associated with a healthcare insurer or a healthcare payer, all of which features are still other specifically recited features of independent Claim 21.

Applicant further submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the recited transmitter which automatically transmits the recited insurance claim to a computer or a communication device associated with a healthcare insurer or a healthcare payer.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the

specifically recited features of independent Claim 21 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of independent Claim 21.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of independent Claim 21 is, therefore, respectfully requested.

IIA(2). THE PRESENT INVENTION, AS DEFINED BY CLAIM 22, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 22, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 22 depends directly from independent Claim 21 and incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton,

Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the processing device processes information regarding a symptom or an examination finding regarding the individual, and further wherein the processing device generates a diagnostic report containing information regarding a diagnosis or a list of possible diagnoses, all of which features are specifically recited features of Claim 22.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 22 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 22.

In view of the foregoing, Applicant respectfully submits that Claim 22 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 22 is, therefore, respectfully requested.

IIA(3). THE PRESENT INVENTION, AS DEFINED BY CLAIM 23, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 23, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 23 depends from Claim 22 and incorporates all of the features of Claim 22 and independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 and Claim 22 are patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and Claim 22. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 21 and Claim 22, respectively, over Bishop, DeBruin-Ashton, Cummings, and any

combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 22, wherein the diagnostic report contains information regarding at least one of a probability of occurrence and statistical information regarding the diagnosis or each diagnosis in the list of possible diagnoses, all of which features are specifically recited features of Claim 23.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 23 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 23.

In view of the foregoing, Applicant respectfully submits that Claim 23 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 23 is, therefore, respectfully requested.

IIA(4). THE PRESENT INVENTION, AS DEFINED BY CLAIM 24, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 24, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 24 depends from Claim 22 and incorporates all of the features of Claim 22 and independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 and Claim 22 are patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and Claim 22. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 21 and Claim 22, respectively, over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 22, wherein the processing device generates a treatment report containing information regarding a

treatment for the diagnosis or each diagnosis in the list of possible diagnoses, all of which features are specifically recited features of Claim 24.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 24 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 24.

In view of the foregoing, Applicant respectfully submits that Claim 24 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 24 is, therefore, respectfully requested.

IIA(5). THE PRESENT INVENTION, AS DEFINED BY CLAIM 25, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 25, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 25 depends from Claim 24 and incorporates all of

the features of Claim 24, Claim 22, and independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 and Claims 22 and 24 are patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and Claims 22 and 24. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1), IIA(2), and IIA(4), regarding the patentability of independent Claim 21 and Claims 22 and 24, respectively, over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 24, wherein the processing device generates the treatment report in conjunction with information regarding a drug interaction and a treatment interaction, all of which features are specifically recited features of Claim 25.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the

specifically recited features of Claim 25 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 25.

In view of the foregoing, Applicant respectfully submits that Claim 25 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 25 is, therefore, respectfully requested.

IIA(6). THE PRESENT INVENTION, AS DEFINED BY CLAIM 26, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 26, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 26 depends directly from independent Claim 21 and incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton,

Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the processing device processes information regarding the at least one of a diagnosis, a treatment associated with a diagnosis, and a procedure associated with a diagnosis, and updates a healthcare record or file associated with the individual, all of which features are specifically recited features of Claim 26.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 26 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 26.

In view of the foregoing, Applicant respectfully submits that Claim 26 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 26 is, therefore, respectfully requested.

IIA(7). THE PRESENT INVENTION, AS DEFINED BY CLAIM 27, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 27, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 27 depends from Claim 22 and incorporates all of the features of Claim 22 and independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 and Claim 22 are patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and Claim 22. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 21 and Claim 22, respectively, over Bishop, DeBruin-Ashton, Cummings, and any

combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 22, wherein the diagnostic report contains information regarding at least one of a misdiagnosis, a treatment success, and a treatment failure, all of which features are specifically recited features of Claim 27.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 27 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 27.

In view of the foregoing, Applicant respectfully submits that Claim 27 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 27 is, therefore, respectfully requested.

IIA(8). THE PRESENT INVENTION, AS DEFINED BY CLAIM 28, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 28, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 28 depends from Claim 24 and incorporates all of the features of Claim 24, Claim 22, and independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 and Claims 22 and 24 are patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and Claims 22 and 24. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1), IIA(2), and IIA(4), regarding the patentability of independent Claim 21 and Claims 22 and 24, respectively, over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 24, wherein the treatment report contains information regarding at least one of

an herbal remedy or treatment, a self-healing remedy or treatment, and an exercise remedy or treatment, all of which features are specifically recited features of Claim 28.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 28 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 28.

In view of the foregoing, Applicant respectfully submits that Claim 28 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 28 is, therefore, respectfully requested.

IIA(9). THE PRESENT INVENTION, AS DEFINED BY CLAIM 29, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 29, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 29 depends directly from independent Claim 21 and

incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the processing device processes information regarding at least one of a treatment to be administered to the individual and a procedure to be performed on the individual, and further wherein the processing device determines whether the at least one of a treatment to be administered to the individual and a procedure to be performed on the individual is correct or incorrect, wherein the processing device generates a treatment response message containing information regarding whether the at least one of a treatment to be administered to the individual and a procedure to be performed

on the individual is correct or incorrect, wherein the apparatus transmits the treatment response message to at least one of a computer and a communication device associated with a healthcare provider or healthcare facility, all of which features are specifically recited features of Claim 29.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 29 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 29.

In view of the foregoing, Applicant respectfully submits that Claim 29 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 29 is, therefore, respectfully requested.

IIA(10). THE PRESENT INVENTION, AS DEFINED BY CLAIM 30, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 30, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 30 depends from Claim 29 and incorporates all of the features of Claim 29 and independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 and Claim 29 are patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and Claim 29. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(9), regarding the patentability of independent Claim 21 and Claim 29, respectively, over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 29, wherein the treatment response message contains information regarding at least one of a treatment, a procedure, treatment instructions, procedure instructions, treatment steps, and procedure steps, all of which features are specifically recited features of Claim 30.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any

combination of same, do not disclose or suggest many of the specifically recited features of Claim 30 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 30.

In view of the foregoing, Applicant respectfully submits that Claim 30 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 30 is, therefore, respectfully requested.

IIA(11). THE PRESENT INVENTION, AS DEFINED BY CLAIM 31, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 31, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 31 depends directly from independent Claim 21 and incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton,

Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the insurance claim contains information obtained with at least one of a heart rate monitor or measurement device, a thermometer, a blood pressure monitor or measurement device, a blood analysis device or machine, a respiration monitoring or measurement device, a dialysis machine, an electrocardiograph (EKG) machine or device, an electroencephalograph (EEG) machine or device, an electromyograph (EMG) machine or device, a magnetic resonance imaging (MRI) machine or device, an X-ray machine or device, a thermal imaging machine or device, a laparoscopic device, an arthroscopic device, a catheter device, a sonogram imaging device, a sonograph device, an ultrasound imaging device, an ultrasound measurement device, a CAT SCAN device, a mammogram device, a carbon dioxide detection or measurement device, a carbon monoxide detection or measurement device, a transvascular impedance measurement or monitoring device, an ultrasonic imaging device, a bone conduction device, a

brain function scan analyzer device, a fetal heart rate measurement, monitoring, or probing, device, an endotrachial cardiac monitoring device, a surgical instrument, a blood oxygen detection device, an esophageal probing device, a sphygmomanometer, a differential doppler device, a camera probing device, and a microscopic camera probing device, all of which features are specifically recited features of Claim 31.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 31 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 31.

In view of the foregoing, Applicant respectfully submits that Claim 31 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 31 is, therefore, respectfully requested.

IIA(12). THE PRESENT INVENTION, AS DEFINED BY CLAIM 32, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 32, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 32 depends directly from independent Claim 21 and incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the information regarding at least one of a diagnosis, a treatment associated with a diagnosis, and a procedure associated with a

diagnosis, is transmitted to the processing device on or over at least one of the Internet and the World Wide Web, all of which features are specifically recited features of Claim 32.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 32 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 32.

In view of the foregoing, Applicant respectfully submits that Claim 32 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 32 is, therefore, respectfully requested.

IIA(13). THE PRESENT INVENTION, AS DEFINED BY CLAIM 33, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 33, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 33 depends directly from independent Claim 21 and

incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, further comprising a database, wherein the database contains healthcare records or medical histories associated with a plurality of individuals, all of which features are specifically recited features of Claim 33.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 33 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not

disclose or suggest all of the specifically recited features of Claim 33.

In view of the foregoing, Applicant respectfully submits that Claim 33 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 33 is, therefore, respectfully requested.

IIA(14). THE PRESENT INVENTION, AS DEFINED BY CLAIM 34, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 34, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 34 depends directly from independent Claim 21 and incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments

provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the processing device processes information for scheduling an appointment with a healthcare provider, all of which features are specifically recited features of Claim 34.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 34 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 34.

In view of the foregoing, Applicant respectfully submits that Claim 34 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 34 is, therefore, respectfully requested.

IIA(15). THE PRESENT INVENTION, AS DEFINED BY CLAIM 35, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 35, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 35 depends directly from independent Claim 21 and incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the apparatus detects an occurrence of an event for which a healthcare provider is to be notified, wherein the processing device generates a notification

message, and further wherein the apparatus transmits the notification message to a computer or a communication device associated with the healthcare provider in real-time, all of which features are specifically recited features of Claim 35.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 35 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 35.

In view of the foregoing, Applicant respectfully submits that Claim 35 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 35 is, therefore, respectfully requested.

IIA(16). THE PRESENT INVENTION, AS DEFINED BY CLAIM 36, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 36, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 36 depends directly from independent Claim 21 and incorporates all of the features of independent Claim 21. As noted above, Applicant respectfully submits that independent Claim 21 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 21 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 21, wherein the apparatus detects an occurrence of an event for which a healthcare insurer or a healthcare payer is to be notified, wherein the processing device generates a notification message, and further wherein the apparatus transmits the notification message to a computer or a communication device associated with the healthcare insurer or the healthcare payer in real-time, all of which features are specifically recited features of Claim 36.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 36 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 36.

In view of the foregoing, Applicant respectfully submits that Claim 36 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 36 is, therefore, respectfully requested.

IIB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 37-40, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 37-40, is patentable over the prior art.

IIB(1). THE PRESENT INVENTION, AS DEFINED BY INDEPENDENT CLAIM 37, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by independent Claim 37, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 37, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the present invention, as defined by independent Claim 37.

Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 37 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of independent Claim 37.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest an apparatus, comprising an input device for inputting information regarding at least one of a treatment to be administered to an individual and a procedure to be performed on an individual, wherein the input device is located at least one of at a location of the treatment, at a location of the procedure, and at a healthcare facility, and a processing device, wherein the processing device processes the information regarding the at least one of a treatment to be administered to an

individual and a procedure to be performed on an individual and determines whether the treatment or the procedure is correct or incorrect for the individual, and further wherein the processing device generates a message containing information regarding whether the treatment or the procedure is correct or incorrect for the individual, all of which features are specifically recited features of independent Claim 37.

Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the recited input device, for inputting information regarding at least one of a treatment to be administered to an individual and a procedure to be performed on an individual, and which is located at least one of at a location of the treatment, at a location of the procedure, and at a healthcare facility. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the recited processing device which processes the recited information regarding the at least one of a treatment to be administered to an individual and a procedure to be performed on an individual and which determines whether the treatment or the procedure is correct or incorrect for the individual. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest

the recited processing device which generates a message containing information regarding whether the treatment or the procedure is correct or incorrect for the individual.

Applicant further submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest a display device, wherein the display device is located at the at least one of at a location of the treatment, at a location of the procedure, and at a healthcare facility, wherein the display device displays information contained in the message, all of which features are still other specifically recited features of independent Claim 37.

Applicant further submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the recited display device which is located at the at least one of at a location of the treatment, at a location of the procedure, and at a healthcare facility, and which displays information contained in the message.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the

specifically recited features of independent Claim 37 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of independent Claim 37.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 37, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of independent Claim 37 is, therefore, respectfully requested.

IIB(2). THE PRESENT INVENTION, AS DEFINED BY CLAIM 38, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 38, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 38 depends directly from independent Claim 37 and incorporates all of the features of independent Claim 37. As noted above, Applicant respectfully submits that independent Claim 37 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 37. Applicant incorporates by reference herein the arguments provided above in Section IIB(1), regarding the patentability of independent Claim 37 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 37, wherein the message contains information for at least one of verifying that the treatment or the procedure is correct for the individual and correcting an incorrect treatment or procedure, all of which features are specifically recited features of Claim 38.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 38 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 38.

In view of the foregoing, Applicant respectfully submits that Claim 38 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 38 is, therefore, respectfully requested.

**IIB(3). THE PRESENT INVENTION, AS DEFINED BY CLAIM 39, IS
PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 39, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 39 depends directly from independent Claim 37 and incorporates all of the features of independent Claim 37. As noted above, Applicant respectfully submits that independent Claim 37 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 37. Applicant incorporates by reference herein the arguments provided above in Section IIB(1), regarding the patentability of independent Claim 37 over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant

further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 37, wherein the processing device is associated with a comprehensive healthcare database which contains a healthcare record or file of the individual, wherein the healthcare record or file of the individual contains at least one of medical history information regarding the individual and family history information regarding the individual, all of which features are specifically recited features of Claim 39.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 39 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 39.

In view of the foregoing, Applicant respectfully submits that Claim 39 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 39 is, therefore, respectfully requested.

IIB(4). THE PRESENT INVENTION, AS DEFINED BY CLAIM 40, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 40, is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Claim 40 depends from Claim 39 and incorporates all of the features of Claim 39 and independent Claim 37. As noted above, Applicant respectfully submits that independent Claim 37 and Claim 39 are patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same.

Applicant submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 37 and Claim 39. Applicant incorporates by reference herein the arguments provided above in Sections IIB(1) and IIB(3), regarding the patentability of independent Claim 37 and Claim 39, respectively, over Bishop, DeBruin-Ashton, Cummings, and any combination of same, as if fully restated herein. Applicant further respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest the apparatus of Claim 39, wherein the processing device automatically updates the healthcare record or file of the

individual subsequent to the treatment being administered or the procedure being performed, all of which features are specifically recited features of Claim 40.

In view of the foregoing, Applicant respectfully submits that Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest many of the specifically recited features of Claim 40 and, therefore, Bishop, DeBruin-Ashton, Cummings, and any combination of same, do not disclose or suggest all of the specifically recited features of Claim 40.

In view of the foregoing, Applicant respectfully submits that Claim 40 is patentable over Bishop, DeBruin-Ashton, Cummings, and any combination of same. Allowance of Claim 40 is, therefore, respectfully requested.

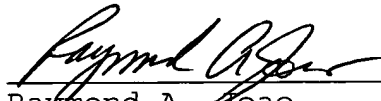
III. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 21-40 is respectfully requested.

As noted above, a Petition For Extension of Time under 37 C.F.R. 1.136(a) for a One-Month Extension of Time, along with a Credit Card Payment Form for \$60.00 for the fee for the Petition for a One-Month Extension of Time and a Fee Transmittal Sheet (in duplicate), are submitted herewith.

Applicant respectfully requests a One-Month Extension of Time to respond to the Office Action, mailed October 12, 2004.

Respectfully Submitted,


Raymond A. Joao
Reg. No. 35,907

Encls.: - Abstract of the Disclosure
- Petition For Extension of Time under 37 C.F.R. 1.136(a) for a One-Month Extension of Time
- Credit Card Payment Form for \$60.00 for the fee for the Petition for a One-Month Extension of Time
- Fee Transmittal Sheet (in duplicate)
- Return Receipt Postcard

February 10, 2005

Raymond A. Joao, Esq.
122 Bellevue Place
Yonkers, New York 10703
(914) 969-2992